

Notice of Allowability

Application No.

10/692,389

Examiner

Janis L. Dote

Applicant(s)

JUBRAN ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/28/05.
2. ☒ The allowed claim(s) is/are 1-22 and 26.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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1. This office action is responsive to the amendment filed on Apr. 28, 2005, after the final rejection mailed on Jan 6, 2005. The examiner acknowledges the amendment to claim 26 and the cancellation of claims 23-25 set forth in the amendment filed on Apr. 28, 2005. Claims 1-22 and 26 are pending.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

At page 12, line 16, after the phrase "U.S. Patent Application Serial Number 10/425,333, filed on April 28, 2003" insert the phrase -- , U.S. Patent Application Publication 2003/0228534, --;

At page 16, line 7, after the phrase "U.S. Patent Application Serial No. 10/396,536" insert the phrase -- , U.S. Patent No. 6,890,693, --; and

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At page 18, lines 17-18, after the phrase "U.S. Patent Application Serial No. 10/396,536, filed on March 25, 2003" insert the phrase -- , U.S. Patent No. 6,890,693, --.

3. The examiner's amendment at pages 12, 14, and 18 of the specification set forth in paragraph 2 above, updates the status of the US applications.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance:

The objection to the specification set forth in the office action mailed on Jan. 6, 2005, paragraph 5, has been withdrawn in response to the amended paragraph filed on Apr. 28, 2005, beginning at page 4, line 1, of the specification.

The rejection of claims 23-25 under 35 U.S.C. 112, first paragraph, set forth in the office action mailed on Jan. 6, 2005, paragraph 7, has been mooted by the cancellation of claims 23-25 set forth in the amendment filed on Apr. 28, 2005.

The rejection of claims 23-25 under 35 U.S.C. 103(a) over US 6,416,915 B1 (Kikuchi) set forth in the office action mailed on Jan. 6, 2005, paragraph 9, has been has been mooted by the

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cancellation of claims 23-25 set forth in the amendment filed on Apr. 28, 2005.

The rejection of claims 23 and 24 under 35 U.S.C. 102(b) over Itoh, T., et al., "Synthesis and Polymerization of 1-(2,4,6-tricyanophenylthio)-3-[3,5-bis(N,N-dimethyl-amino)phenoxy]-2-propyl Methacrylate; Polymer Effect on Intramolecular Charge-Transfer Interaction," Journal of Polymer Science: Part A: Polymer Chemistry (1995), Vol. 33, pp. 1475-1485 (Itoh), set forth in the office action mailed on Jan. 6, 2005, paragraph 10, has been has been mooted by the cancellation of claims 23 and 24 set forth in the amendment filed on Apr. 28, 2005.

The rejection of claims 23 and 24 under 35 U.S.C. 102(b) over US 5,364,614 (Platzek) set forth in the office action mailed on Jan. 6, 2005, paragraph 11, has been has been mooted by the cancellation of claims 23 and 24 set forth in the amendment filed on Apr. 28, 2005.

Claims 1-22 and 26 are allowable over the prior art of record.

The prior art of record does not teach or suggest an organophotoreceptor comprising the charge transport material as recited in the instant claims 1-22, or the compounds of claim 26

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for the reasons discussed in the office action mailed on Oct. 28, 2004, paragraph 15, which are incorporated herein by reference, and for the reasons discussed infra.

Both Itoh and Platzek disclose a compound that meets the compositional limitations of the formula recited in instant claims 1, 2, 8, 9, 15, and 16. See the office action mailed on Jan. 6, 2005, paragraphs 10 and 11. However, neither reference discloses or suggests that said compounds be used as charge transport compounds in an organophotoreceptor. Nor do the references teach or suggest the compounds recited instant claim 26.

Kikuchi renders obvious a compound that meets the compositional limitations of the formula recited in instant claims 1-3, 8-10, and 15-17. See the office action mailed on Jan. 6, 2005, paragraph 9. However, as discussed in paragraph 9, Kikuchi discloses a surface layer comprising the polymerizate of said compound. Thus, the resulting polymerizate in the photoreceptor would not comprise the compound of the formula recited in the instant claims. Nor does Kikuchi teach or suggest the compounds recited in instant claim 26.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to

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avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD
May 23, 2005

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